

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

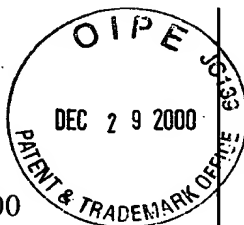
In re application of:

Wagner *et al.*

Appl. No. 09/446,317

§ 102(e) Date: April 17, 2000

For: **Complexes for Transporting
Nucleic Acid Into Eukaryotic Higher-
Cells**



Art Unit: 1632

Examiner: R. Schnizer

Atty. Docket: 0652.2010000/EKS/PSC

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Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

In accordance with 37 C.F.R. § 1.98(A)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language documents, Document Nos. AL1 and AM1, cited on Form PTO-1449.

Document No. AL1, Patent No. FR 2 362 156, is in the French language. The relevance of Document No. AL1 can be ascertained by reference to the English language abstract attached as Document No. AT1.

Document No. AM1, Patent No. WO 93/07283, is in the German language with an English language abstract. The relevance of Document No. AM1 can be ascertained by reference to the English language abstract appearing thereon.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed within three months of the U.S. filing date or before the mailing date of the first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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